

**STATE OF VERMONT
BOARD OF MEDICAL PRACTICE**

In Re:)	
)	
Mark F.L. Silverstein)	MPC 103-0605
)	
Respondent)	

STIPULATION AND ORDER

Now comes Mark F.L. Silverstein, M.D. (hereinafter "Respondent") and the State of Vermont, by and through Attorney General William H. Sorrell, and stipulate to the following:

1. Respondent is currently licensed to practice medicine in the State of Vermont, holding license number 042-0009693.
2. The Vermont Medical Practice Board (hereinafter "Board") has jurisdiction over this matter pursuant to 26 VSA §§ 1353, 1354 & 1398 and 3 VSA §§ 809 and 814 (c).

BACKGROUND

3. Respondent currently practices medicine at Champlain Valley Internal Medicine, P.C., 77 Fairfield Street, St. Albans, Vermont. Respondent is a member of an across-coverage group ("group") of approximately nine members.
4. Respondent has developed a specific protocol for on-call female patients of the group who telephone the office stating they have a urinary tract infection ("UTI"). The female patient is asked to come to the office and provide a urine

sample to a technician for dipstick testing. Respondent is shown the results of the dipstick testing when he is in-between seeing other patients.

Respondent then makes a determination of what antibiotics, if any, are to be prescribed.

5. Under the protocol, the technician asks every patient about drug allergies and asks if the patient has dysuria that may require pyridium. Under the protocol, the patient generally does not see the physician or receive an examination from the physician.
6. If Respondent prescribes antibiotics, the technician provides the patient with the prescription. The technician then instructs the patient that, if the patient does not improve in a day or two, the patient should contact her primary care physician or go to the emergency room at Northwestern Medical Center.
7. Respondent states that the only time an on-call patient of the Group gets an actual office appointment with him is when the patient calls with vague complaints, requests to be seen, and the physician's office schedule permits an appointment to be made.

STIPULATION

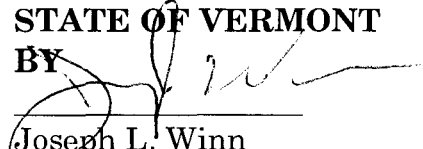
8. Respondent acknowledges he has been advised by counsel. Respondent voluntarily and knowingly agrees to the terms and conditions herein.
9. Respondent shall immediately discontinue the protocol described in Paragraphs 4-7, above.

10. Respondent shall assure that all patients who receive an appointment for an office visit shall be seen by a physician or nurse practitioner licensed in Vermont or referred to another physician or hospital, as deemed appropriate.
11. Respondent shall cooperate fully with the Board and its agents in ensuring that Respondent is complying with the terms of the stipulation.
12. This Stipulation and Order does not constitute formal disciplinary action and shall not preclude the Board from taking any future disciplinary action with respect to Respondent if the Board deems such action necessary after notice and opportunity for hearing.
13. The terms of this Stipulation shall be effective immediately upon execution of the Stipulation by the Respondent.
14. Respondent agrees that the Stipulation and Order, if approved by the Board, is an Order of the Board pursuant to 25 V.S.A. §1354 (25) and any failure of Respondent to adhere to the terms of this Stipulation and Order may be grounds for charges of unprofessional conduct.

Dated at Montpelier, Vermont this 27th day of September, 2005.

**WILLIAM SORRELL
ATTORNEY GENERAL
STATE OF VERMONT**

BY



Joseph L. Winn
Assistant Attorney General

Dated at _____, Vermont this ____ day of _____, 2005.

Mark F.L. Silverstein, M.D.

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10. Respondent shall assure that all patients who receive an appointment for an office visit shall be seen by a physician licensed in Vermont or referred to another physician or hospital, as deemed appropriate. *or Nurse Practitioner*
11. Respondent shall cooperate fully with the Board and its agents in ensuring that Respondent is complying with the terms of the stipulation.
12. This Stipulation and Order does not constitute formal disciplinary action and shall not preclude the Board from taking any future disciplinary action with respect to Respondent if the Board deems such action necessary after notice and opportunity for hearing.
13. The terms of this Stipulation shall be effective immediately upon execution of the Stipulation by the Respondent.
14. Respondent agrees that the Stipulation and Order, if approved by the Board, is an Order of the Board pursuant to 25 V.S.A. §1354 (25) and any failure of Respondent to adhere to the terms of this Stipulation and Order may be grounds for charges of unprofessional conduct.

Dated at Montpelier, Vermont this ____ day of September, 2005.

**WILLIAM SORRELL
ATTORNEY GENERAL
STATE OF VERMONT
BY**

Joseph L. Winn
Assistant Attorney General

Office of the
Attorney General
109 State Street
Montpelier, VT
05603

Dated at St. Albans, Vermont this 19 day of Sept., 2005.

[Signature]
Mark F.L. Silverstein, M.D.

FOREGOING, AS TO MARK F.L. SILVERSTEIN, M.D.,
APPROVED AND ORDERED, VERMONT BOARD
OF MEDICAL PRACTICE:

with Hon. Mr. J. R. ...
Richard L. ... M.D.
Mark F. Silverstein
Ed. L. ...
Peter ... M.D.

Salvatore ...

DATED: 10/15/05

ENTERED: 10/15/05

EFFECTIVE: 10/15/05

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609